

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1, 6-9, 30, 32, 34, and 51-68 are pending in the application. Claims 1, 30, 32, and 34 are independent. The remaining claims depend, directly or indirectly, on claim 1, 30, 32, and 34. Claims 7, 51, 52, 55-58, 60-63, and 65-68 have been cancelled by this reply without prejudice or disclaimer.

#### **Drawings**

The Applicant respectfully requests that the Examiner indicate whether the drawings filed on September 8, 2000 are acceptable.

#### **Claim Amendments**

Independent claim 1, 30, 32, and 34 have been amended to clarify that: (i) the microprocessor ID is stored *in* the microprocessor; (ii) the digital identity data *uniquely* identifies a user of the digital identity device; and (iii) the digital identity data is bound to the microprocessor identity *by encrypting the digital identity data using an algorithm that uses the microprocessor identity*. Support for these amendments may be found, for example, in Figure 7 of of U.S. Provisional Patent Application Serial No. 60/179,989, which is incorporated by reference in the instant specification, as well as on pages 8-9 of the instant specification.

**Rejections under 35 U.S.C. §112**

Claims 53, 55, 60, 63, 65, and 68 were rejected under 35 U.S.C. §112, ¶1 for failing to comply with the written description requirement. Claims 53, 55, 60, 63, 65, and 68 have been cancelled by this reply. Thus, this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.<sup>1</sup>

**Rejections under 35 U.S.C. §103**

Claims 1, 6-9, 30, 32, and 51-63 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,567,915 (“Guthery”) in view of U.S. Patent No. 6,847,948 (“Paolini”). Claims 7, 51, 52, 55-58, and 60-63 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to those claims. To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

The Applicant respectfully asserts that neither Guthery nor Paolini, whether considered separately or in combination, teach or suggest the invention recited in the amended claims. Specifically, neither Guthery nor Paolini teach or suggest encrypting digital identity data associated with a user of the digital identity device using the microprocessor ID. In contrast, Guthery is directed to a system that merely includes a smart card having a microprocessor (52 in Figure 2) and information associated with the user of the smartcard (72 in Figure 2), without any mention of encrypting the user information with the microprocessor ID. In fact, Gurthry is completely silent with respect to a microprocessor including a microprocessor ID (*i.e.*, stored within the microprocessor).

---

<sup>1</sup> The Applicant respectfully notes that the cancellation of the aforementioned claims is not an acknowledgement by the Applicant that there is lack of written description for the cancelled claims.

Similarly, Paolini fails to teach or suggest encrypting digital identity data associated with a user of the digital identity device using the microprocessor ID. Specifically, while Paolini does disclose a CPU ID (*See* Paolini, col. 3, ll. 2-19) and using encrypting the software using the CPU ID (*See* Paolini, Fig. 2A), there is no teaching or suggestion of encrypting *digital identity data* (*i.e.*, data uniquely identifying a *user* of the digital identity device) with the CPU ID.

In view of the above, Guthery and Paolini, whether considered separately or in combination, fail to teach or suggest all the limitations recited in the amended independent claims. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 64-68 are rejected under 35 U.S.C. § 103 (a) as being obvious over Guthery in view of U.S. Patent No. 6,111,506 ("Yap"). Claims 65-68 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to those claims. To the extent that this rejection still applies to the amended claims, the rejection is respectfully traversed.

At the outset the Applicant notes that the Examiner likely intended this rejection to be based on Guthery, Yap, and Paolini as evidenced by the content of the rejection on page 9 of the Office Action mailed July 28, 2005. Accordingly, the reply to this rejection will address all three of the aforementioned references.

As discussed above, Guthery and Paolini fail to teach or suggest all the limitations of amended independent claim 1. Amended claim 34 includes at least the same limitations with respect to the digital identity device as amended claim 1. Thus, Guthery and Paolini fail to teach or suggest all the limitations of amended independent claim 34. Further, Yap fails to teach that which Guthery and Paolini lack as evidenced by the fact that Yap is only relied upon to teach: (i) encrypting documents using a smart card and (ii) digital identity data (*See* Office Action mailed


July 28, 2005, p. 9). In view of the above, claim 34 is patentable over Guthery, Paolini, and Yap. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 05452/002002).

Dated: September 21, 2005

Respectfully submitted,

By   
T. Chyau Liang, Ph.D.  
Registration No.: 48,885  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant